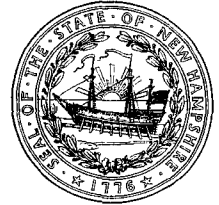




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 7, 2005

Mr. Bob Beauvair
1359 Hooksett Road, Unit 32
Hooksett, New Hampshire 03106

CERTIFIED MAIL (7099 3400 0018 1290 5774)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at 142 South Main Street, Laconia, NH

Dear Mr. Beauvair:

On November 23, 2004 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a complaint from Mr. Mike Valliere. Mr. Valliere, who had been employed by you, reported that you were the contractor responsible for the renovation of a building owned by Mr. Ajal Chaloori located at 142 South Main Street, Laconia, NH (the "Property"). Mr. Valliere stated that suspected asbestos-containing material ("ACM") was removed from a walk-in cooler that was being dismantled during the renovation project. Mr. Valliere further stated that after workers dismantled the cooler, the ACM debris was placed in plastic trash bags and was removed from the Property by Mr. Chaloori.

On November 24, 2004, DES personnel went to the Property in order to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. The DES inspector met with the job-site foreman, inspected the Property, and took photographs of the renovation/demolition activity. Since the debris from the interior renovation had been removed from the Property, the DES inspector was unable to obtain a sample of the suspected ACM for laboratory analysis.

On November 24, 2004, DES personnel met with you at your office in Hooksett, NH to discuss the renovation project at the Property. You told the DES inspector that when one of your employees suspected that the cooler contained ACM, you instructed the workers to leave the cooler alone. You stated that later the workers removed the suspected ACM from the cooler in error. The debris from the cooler was then mixed with demolition debris in a dumpster on the Property. When the driver for the dumpster company pointed out the suspected ACM, you instructed the workers to remove the ACM from the dumpster. The suspected ACM was then placed in plastic trash bags. You then notified Mr. Chaloori that arrangements would have to be made to properly dispose of the bagged ACM, and requested that he contact DES. You further stated that Mr. Chaloori later came to the Property and removed the plastic bags containing the suspected ACM. You told the DES inspector that you had no further knowledge of where the suspected ACM went after it was removed from the Property.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on November 24, 2004. The specific violations are as follows:

- Env-A 1803.03 requires each facility operator to provide written notification to the division, the EPA Regional Office, and the city/town health officer, as applicable to the worksite location, in accordance with Env-A 1803.06 at least 10 working days before any demolition activity begins. This notification shall be required regardless of the amount of ACM, if any, that is contained in the facility.
- Env-A 1804.01 requires that before undertaking any renovation, each facility operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of ACM. Env-A 101.80 defines a competent person as someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors
- Env-A 1805.09(a) requires that prior to any demolition, all regulated ACM must be removed in accordance with the applicable provisions of Env-A 1800.

DES wants to make it clear that there are requirements for conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. As the demolition work has already been completed and the demolition debris and the suspected ACM have already been removed from the Property, no further action related to the listed violations is required. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties. Further, please be advised that if the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any future renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enc.: Env-A 1800
List of asbestos abatement contractors

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
M. Bonsteel, Laconia Building Inspector
Chairman, Laconia City Council
AFS # 330083333